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4/9/84

CITY OF PEABODY

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF PEABODY

BE IT ORDAINED by the City Council of the City of Peabody, that the Zoning Ordinance of the City of Peabody, entitled "Peabody Zoning Ordinance - 1978" adopted on June 27, 1978, as heretofore amended be further amended as follows:

SECTION ONE

Delete from Section 2 Definitions, the definition: Automobile Service Station; and insert in place thereof the following:

Automobile Service Station: An area of land, including any structures thereon, used for any of the following: the sale of motor vehicle accessories which are installed on the premises; for the repair of motor vehicle engines, transmissions or other mechanical parts; for the sale of gasoline or any other motor vehicle fuel, oil or other lubricating substances, dispensed by an employee who is an attendant or through a self-service, automated dispensing system which is in full compliance with the Board of Fire Prevention regulating Office of the State Fire Marshall 527 CMR-504 (16) and which has received the approval of the State Fire Marshall. It does not include premises for junk yard, open storage of abandoned vehicles, or for rebuilding, reconditioning, painting, or other body repair services.

SECTION TWO

Delete from Section 2 Definitions, the definition: Gasoline Filling Station.

SECTION THREE

Delete from Section 2 Definitions, the definition: A Family; and insert in place thereof the following:

A Family: One or more persons related by blood, adoption, or marriage living and cooking together as a single housekeeping unit, excluding household servants. A number of persons but not exceeding three living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute, a family.

SECTION FOUR

Delete from Section 2 Definitions, the definition: One-Family Dwelling; and insert in place thereof the following:

One-Family Dwelling: A detached dwelling designed for and occupied by a family excluding mobile homes.

SECTION FIVE

Delete from Section 2 Definitions, the definition: Street; and insert in place thereof the following:

Street: An accepted City way, or a way established by or maintained under County, State, or Federal Authority, or a way established by a subdivision plan approved in accordance with the

Subdivision Control Law, or a way determined by the Planning Board to have sufficient width, suitable grades, and adequate construction to provide for the needs of vehicular traffic in relation to the proposed use of the land, and for the installation of municipal services to serve such land and the building or buildings erected or to be erected thereon.

SECTION SIX

Delete from Section 2 Definitions, the definition: Swimming Pool; and insert in place thereof the following:

Swimming Pool: A private or public facility, located above or below surrounding grade, exceeding one hundred (100) feet of surface area, confining a body of water deeper than eighteen (18) inches, as measured from the lowest point in the pool a vertical distance to the grade level or top of the pool; used for swimming, diving and various water sports.

SECTION SEVEN

Delete from Section 2 Definitions, the definition: Trailer; and insert in place thereof the following:

Trailer: A vehicle without motive power designed to be drawn by a motor vehicle used for hauling and standing on wheels or rigid supports but excluding a mobile home.

SECTION EIGHT

Delete from Section 2 Definitions, the definition: Unit; and insert in place thereof the following:

Unit: A part of a multiple family dwelling including one or more rooms, with appurtenant areas, such as balconies, terraces, and storage lockers, if any are stipulated in the applicable document of title, occupying one or more floors or part of parts thereof, including the enclosed space therein, intended for use by a family, and with a direct exit to a street or way or to a common area leading to a street or way.

SECTION NINE

Delete from Section 2 Definitions, the definitions of Sign; Sign, Area of; and insert in place thereof the following:

Sign: Any advertisement, announcement, direction, or communication produced in whole or in part by the painting on or posting or placing any printing, lettered, pictured, figured, or colored material on any building, structure or surface. Signs placed or erected by governmental agencies shall not be included herein. However, this ordinance shall be used as a guide in the placement or erection of any governmental agency signs.

Sign, Advertising: A sign which directs attention to a business, profession, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same premises.

Sign, alteration to: Any enlargement, rewording (other than in the case of theatre or cinema signs or other sign boards with automatically changing messages) redesigned or altered in any

way, other than routine maintenance, including repainting in a different color, or, any work on a sign that has deteriorated to such an extent that the cost of restoration would exceed thirty (30) percent of the replacement cost of the sign at time of restoration. Any alteration to a sign must conform to the requirements of this ordinance.

~~Sign, Home: Home sign not over two (2) square feet in area noting the name of the owner or occupant of a single-family dwelling.~~

Sign, Area of: The area of a sign shall be considered to be that of the smallest rectangle or other convex shape which encompasses all the letters and symbols of the sign message or such message together with any frame, background, trim, or other integral part of the display on which such message is placed.

Sign, Awning: Any sign placed on the vertical face of an awning which is attached to a building.

Sign, Band: A horizontal band, usually located at the top or just above the first level, but below any second level which lends itself as the logical place on the building in which to place a wall sign.

Sign, Business: A sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located, or to which it is affixed.

Sign, Cluster: Two or more signs integrated into one freestanding sign structure.

Sign, Directory: A sign located on a building, or freestanding within the area between the building and one-half the distance to the nearest property line, purpose of which is to identify the occupants and their location within a building.

Sign, Flashing: Any illuminated sign on which the artificial light is not maintained stationary, or constant in intensity and color at all times when such sign is in use. For this purpose, any revolving, illuminated sign shall be considered a "flashing sign."

Sign, Freestanding: A sign not part of or attached to any building but located elsewhere on a lot.

Sign, Home: Home sign not over two (2) square feet in area noting the name of the owner or occupant of a single-family dwelling.

Sign, Lineal Frontage: The length in feet an establishment abuts a street or public right of way at first floor or entrance level.

Sign, Off-Premises: A sign which advertises or announces a use conducted or goods available elsewhere than on the lot on which

the sign is located (see Section 6.3.5 (12)).

Sign, Portable: A freestanding sign not permanently affixed, anchored, or secured to the ground or a structure on the lot it occupies (see Section 6.3.5 (9)).

Sign, Projecting: Any sign which is attached to a building or other structure which projects more than twelve (12) inches from the wall surface of the building or structure in front of which the sign is positioned (see Section 6.3.5 (14)).

Sign, Roof: Any sign erected, constructed, and maintained upon or over the roof of any building (see Section 6.3.4 (11)).

Sign, Temporary: Any sign intended to be maintained for a continuous period not to exceed thirty (30) days.

Sign, Wall: Sign or letters placed on the building which projects no more than twelve (12) inches from and is parallel to the face of the building.

Sign, Window: Signs painted or posted on an interior translucent surface including windows or doors.

SECTION TEN

Add to Section 2 Definitions, after the definition of Community Garage the following definition:

Cornice: Any permanent, continuous horizontally projecting feature surmounting a wall or other portion of a building.

SECTION ELEVEN

Add to Section 3.1 Classes of Districts after the District and General Purpose entitled R-1A Single Family Residence the following: R-1B Single Family Residence.

SECTION TWELVE

Add to Section 4.2 Schedule of Use Regulation, under the column marked "District", after the district marked R-1A, the following new district R-1B.

SECTION THIRTEEN

Provide in Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.6 and 4.2.7, that such uses as are permitted and such uses as are allowed under Special Permit by the City Council in an existing R-1 District shall be so permitted and so allowed under a Special Permit by the City Council in a R-1B District.

SECTION FOURTEEN

Provide in Section 4.2.1 Schedule of Use Regulations, under the column marked R-5 that "Community Garages" be a permitted use as follows:

4.2.1 Residential
Community Garages

R-5
X

SECTION FIFTEEN

Delete from Section 4.2.5 Business, the use categorys and regulations for Automobile repair garage et seq. and insert in place thereof the following:

4.2.5 Business	B-R	B-C	B-H	B-H2	B-N	I-L	I-P
Automobile service station	a	a	a	a	a	x	a

SECTION SIXTEEN

Delete from Section 4.2.5 Business the use category and regulations for: Gasoline filling station et seq.

SECTION SEVENTEEN

Add to Section 4.2.5 Business, under the column marked "Business" and before the reference to "Motels and hotels," the following use category and regulations:

4.2.5 Business	B-R	B-C	B-H	B-N	I-L	R-4
Ambulance	a	a	a	a	a	a

SECTION EIGHTEEN

Delete from Section 4.2.7 Accessory, under "Office within a residence of physician or other professional", the following: (without employees); and insert in place thereof "with a maximum of two employees.

SECTION NINETEEN

Delete from Section 4.4.2 Site Plan Requirements, the following: A site plan shall be prepared by a registered architect or engineer; and insert in place thereof: A site plan shall be prepared by a registered architect, registered engineer, or registered land surveyor.

SECTION TWENTY

Delete from Section 4.4.2(c), the semi-colon (j) after the word "site" and insert the following:

and including proposed type of construction and proposed building materials.

SECTION TWENTY ONE

Add to Section 4.4.2 Site Plan Requirements, after paragraph "(k)" the following new paragraph:

- (1) If an applicant or predecessor in title has previously filed a site plan with the Permit Granting Authority regarding the subject parcel of land and/or building and use, no additional site plan shall be filed in the event the application refers only to a change in use.

SECTION TWENTY TWO

Delete from Section 4.4.3 Mobile Home Park Requirements, all of paragraph "(j)" and insert in place thereof the following:

- (j) Before any individual mobile home site is occupied said site must be completely improved, including all necessary site preparation, sanitary sewerage provisions and utility connections including street lights, water supply, and

telephone and electrical connections; and including ingress and egress.

SECTION TWENTY THREE

Add to Section 4.4.4 Cluster Development Requirements, in paragraph "(c)", the following sub-paragraph:

"vi - The Planning Board shall have the right to waive up to fifty (50) percent of the minimum requirements for setbacks, sideyard, or rearyard upon review of the locations of each dwelling and accessory building on a cluster lot."

SECTION TWENTY FOUR

Delete from Section 4.4.4 Cluster Development Requirements, all of paragraph "(d)" and insert in place thereof the following:

(d) A special permit for a cluster development issued hereunder by the Planning Board is an authorization for the use of lots which have less than the normal minimum area or frontage, or both.

SECTION TWENTY FIVE

Add to Section 4.4.7 Multiple Family Dwelling in R-5 District/ Requirements in paragraph "(a)" the word "not" after the word "shall" in the first line.

SECTION TWENTY SIX

Delete from Section 5.2 Schedule of Dimensional Controls, under the column marked District, "R-1 Single Family" and "R-1A Single Family" and all respective dimensional controls for "R-1 Single Family" and "R- 1A Single Fammily" and insert in place thereof the following:

District	Minimum Lot Dimensions	Minimum Yard Depths	Maximum Height	Maximum Lot Coverage	Maximum Floor Area Ratio <i>ratio</i>
	(1) Area (sf)	(2) Frontage (ft)	(3) Front (ft)	(4) Side (ft)	(5) Rear (ft)
R-1 Single Family	20,000	125	25 20 35	30	25%
R-1A Single Family	7,500	75	20 15 35	30	30%
R-1B Single Family	10,000	100	25 20 35	30	30%

SECTION TWENTY SEVEN

Delete from Section 5.3 Modifications of Dimensional Regulations, all of Section 5.3.1 and insert in place thereof the following:

5.3.1

Where a business or industrial district adjoins a Residence R-1,

R-1A, R-1B, R-2, R-3, R-4, or R-5 District, the sideyard requirement of the residence district, if more restrictive than that of the business or industrial zone, shall apply to all buildings in the business or industrial districts that are located within one hundred (100) feet of the boundary line between the districts.

SECTION TWENTY EIGHT

Add to Section 5.3, as Modification of Dimension Regulations, Section 5.3.5 the following:

5.3.5

Steps, roofs over steps and/or windows, open or lattice enclosed fire escapes and bay windows which do not project over four and one half (4 1/2') feet beyond the foundation line, which do not exceed more than 25 square feet, may extend beyond the minimum yard regulations otherwise provided for the district in which the structure is built.

SECTION TWENTY NINE

Delete Section 5.5 ALCOHOLIC BEVERAGES, and insert in place thereof the following:

5.5 ALCOHOLIC BEVERAGES

No building for the sale of alcoholic beverages shall be permitted within two hundred (200') feet of a residential district, measured along the same street frontage, or within five hundred (500') feet similarly measured, of the property line of a public or private school, church, a library other than Peabody Institute Library, park or playground.

SECTION THIRTY

Delete from Section 6.1.2 Space Requirement, all of paragraphs: (2), (4) and (10) and insert in place thereof the following:

- (2) Restaurants: One (1) for every three (3) seats of rated capacity as determined by the appropriate authority, except that no spaces shall be required in the B-C Zone.
- (4) General Office Use: One (1) for every 300 square feet of gross floor area, except that no spaces shall be required in the B-C Zone.
- (10) Theatres, Halls, Clubs, Auditoriums, Churches, Synagogues, or other Places of Worship and other Places of Assembly or Amusement: One (1) for every three (3) seats, permanent or otherwise, and one (1) for every three (3) employees employed or anticipated to be employed on the largest shift and one (1) for every three (3) persons of rated capacity as determined by the appropriated authority, except that no spaces shall be required in the B-C Zone.

SECTION THIRTY ONE

Delete from Section 6.1.2 (b), the following: R-5: As required in Section 4.4.2 (12)", and insert in place thereof:
R-5 As required in Section 4.4.7 (e).

SECTION THIRTY TWO

Delete from Section 6.3 Signs, all of Section 6.3.1 Definitions.

SECTION THIRTY THREE

Delete from Section 6.3.3.3 (b) Signs Permitted in Any B-R District -- Freestanding, the following: "No freestanding sign shall be permitted in the B-R district except in cases where a building is set back seventy-five (75') feet or greater from the property line on the street side, thus reducing frontage visibility. In such cases"

SECTION THIRTY FOUR

Delete from Section 7.6.3(b) in line 2 the reference to: "Section 15" and insert in place thereof the following:
Section 11.

SECTION THIRTY FIVE

Delete all of Section 7.7.3 Procedures, and insert in place thereof the following:

An application for a special permit shall be submitted to the City Council for uses designated in subsection 4.2 Schedule of Use Regulations and where a special permit is required in other subsections of this ordinance, except that an application for a special permit for a Cluster Development under Section 4.4.4 shall be filed with the Peabody Planning Board, designated as the Special Permit Granting Authority for cluster developments only.

Each application shall be filed with the Special Permit Granting Authority designated in paragraph #1 of this section and copies thereof, together with copies of the site plan, shall be transmitted forthwith by Petitioner to the City Clerk, City Council, Planning Board, Conservation Commission, Community Development Authority, Board of Health and Department of Public Services. The Special Permit Granting Authority shall hold a public hearing within sixty-five (65) days of the filing date and shall render a decision within ninety (90) days from the date of the public hearing. Notice of the public hearing shall be in accordance with the requirements of Massachusetts General Law of Chapter 40A, Section 11. The City Council, Planning Board, Conservation Commission, Community Development Authority, Board of Health, Department of Public Services and other interested officials or departments of the City may, in their discretion, investigate the proposed special permit use and site plan and report in writing recommendations to the Special Permit Granting Authority, provided, however, that if such reports and recommendations are not received at the time of public hearing, the Special Permit Granting Authority may act without the submission of such reports and recommendations.

Failure to take action within the said ninety (90) day period shall be deemed to be a grant of the Special Permit applied for subject to the requirement of Massachusetts General Laws Chapter 40A, Section 9."

SECTION THIRTY SIX

That the map accompanying the Peabody Zoning Ordinance entitled

"City of Peabody, Massachusetts - Zoning Map - 1975" which is on file in the office of the City Clerk of the City of Peabody, be further amended as follows:

All areas currently shown as R-1 east of Route One and west of Lynn Street, County Street, Summit Street and Route 128 north of Summit Street be hereafter designated as R-1B Single Family Residence District which shall be inserted in the map legend.

That the area currently shown as R-1A defined by the rear line of the lots on the southerly side of Bartholomew Terrace, the westerly side of Lynn Street and Fairview Avenue, the northerly side of Troy Street, the westerly side of Rockway Street and the northerly side of Granite Road be hereafter designated as R-1B Single Family Residence District.

SECTION THIRTY SEVEN

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

